

## REMARKS

Claim 15 is canceled without prejudice or disclaimer. Claims 17-18 are added. Claims 1 and 14 are amended. Support for the added and amended claims appears throughout the specification as filed, including, e.g., the page 2, lines 29-30 and former claim 15.

It is respectfully submitted that the present amendment presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

### **I. The Rejection of Claims 1, 3, 5-7, 11 and 14-15 under 35 U.S.C. 102(b)**

Claims 1, 3, 5-7, 11 and 14-15 stand rejected under 35 U.S.C. 102(b) as allegedly anticipated by Winterbottom et al. CH Patent No. 356,659 ("Winterbottom CH Patent") and Winterbottom et al. USPN 2,930,702 ("Winterbottom US Patent," or collectively, "Winterbottom," with reference made to the US Patent). Claims 1-2, 8-10 and 12 stand rejected under 35 U.S.C. 102(b) as allegedly anticipated by Roselle et al. USPN 6,773,737 ("Roselle").

The Examiner cites the Winterbottom CH Patent as disclosing a method for producing a food product comprising contacting meat with lactobionic acid. The Examiner states that according to the Winterbottom CH Patent, slaughtered poultry is submerged into lactobionic acid containing solution for a time of 30 minutes to 4 hours, allowed to freeze, and is then packed and distributed.

The Examiner cites the Winterbottom US Patent as teaching a method for producing a food product comprising contacting meat with lactobionic acid. The Examiner states that "[s]laughtered poultry is submerged into an antibiotic solution, containing 3 to 30% by weight of lactobionic acid and allowed to freeze for at least 30 minutes, after which, the poultry is then packed and distributed." Office Action pages 2-3 (citations omitted).

The Examiner cites Roselle as disclosing a method for treating food products with a solution containing calcium lactobionate in the form of various meats and meat products.

This rejection is respectfully traversed.

The amended claims herewith are directed to a food product comprising between 0.1 and 20 % (weight/weight) lactobionic acid (i.e., the subject matter of former claim 15), and a method of producing the same. In contrast, neither Winterbottom nor Roselle relate to a food product comprising lactobionic acid in a specified amount; instead they relate to a food product which has been dipped into a solution comprising lactobionic in a specified amount. Thus, neither

Winterbottom nor Roselle teach or suggest a food product comprising between 0.1 and 20% (weight/weight) lactobionic acid or a method for producing the same.

With respect to the Examiner's contention that the Winterbottom US Patent teaches an antibiotic solution "containing 3 to 30% by weight of lactobionic acid," Applicants respectfully submit that the Winterbottom disclosure nevertheless does not anticipate Applicants' claims for at least the following reasons. Winterbottom states that a composition of the invention should contain inter alia "about 3 to 30% of the acid." Winterbottom US Patent, col. 3, lines 32-36. This composition is then diluted with water to produce a poultry dip solution (into which the poultry will ultimately be dipped) containing inter alia "about 10 p.p.m. of citric acid" or "about 3 to 90 p.p.m. of citric acid." *Id.*, generally col. 3, line 41 to col. 4, line 3 and in particular col. 3, line 63 and col. 3, line 75 to col. 4, line 1. Therefore, to the extent that the Examiner contends that Winterbottom is enabled for the particular teaching of a lactobionic acid-containing poultry dip solution (which Applicants do not concede to be the case), Winterbottom nevertheless does not teach a food product comprising lactobionic acid in a specified amount. Therefore, Applicants respectfully submit that Winterbottom does not teach or suggest the claimed food product comprising between 0.1 and 20% (weight/weight) lactobionic acid or a method for producing the same.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 102(b). Applicants respectfully request reconsideration and withdrawal of the rejection.

## **II. The Rejection of Claims 4 and 13 under 35 U.S.C. 103(a)**

Claim 4 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Winterbottom or Roselle in view of Halden et al. EP 0 354 262 ("Halden"). Claim 13 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Winterbottom or Roselle in view of Hayashabira GB Patent No. 1 325 727 ("Hayashabira"). Winterbottom and Roselle are cited as above. The Examiner cites Halden as teaching marinating meat using tumbling procedures, and states that this is a well known procedure in the art. The Examiner cites Hayashabira as producing lactobionic acid from lactose by enzymatic oxidation. This rejection is respectfully traversed.

As discussed above, none of Winterbottom or Roselle teach or suggest the pending claims. For at least these reasons, neither do Winterbottom or Roselle, alone or combination with Halden and/or Hayashabira, teach or suggest Applicants' amended claims.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 103(a). Applicants respectfully request reconsideration and withdrawal of the rejection.

### **III. Additional Art**

Applicants acknowledge the Examiner's statement that "[t]he prior art made of record and not relied upon is considered pertinent to applicant's disclosure. FR 556 064 and U.S. Patent No. 6,045,990 are cumulative to the rejection of records. U.S Patent Nos. 4,214,518 and 5,714,188 disclose the use of tumbling to marinate meat products." However, these references do not appear to be the basis of any outstanding rejection and therefore no response appears to be required. Applicants respectfully request that the Examiner clarify the citation to these references in the next Office communication.

### **IV. Conclusion**

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

All required fees were charged to Novozymes North America, Inc.'s Deposit Account No. 50-1701 at the time of electronic filing. The USPTO is authorized to charge this Deposit Account should any additional fees be due.

Respectfully submitted,

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